

# EXHIBIT 26

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

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1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

-----X

4 AMRO ALI, M.D.,

5 Plaintiff,

6 vs.

7 WESTCHESTER MEDICAL CENTER and  
8 NEW YORK MEDICAL COLLEGE,

9 Defendants.

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13 DEPOSITION OF MICHELLE HODGE

14 VIA VIDEO TELECONFERENCE

15 Hawthorne, New York

16 Friday, October 16, 2020

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24 Reported by:  
25 JOAN WARNOCK  
JOB NO. J6089253B

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

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October 16, 2020

1:05 p.m.

Deposition of MICHELLE HODGE, held  
via remote video teleconference in  
Hawthorne, New York, before Joan  
Warnock, a Notary Public of the State of  
New York.

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

3

A P P E A R A N C E S:

(ALL PARTIES APPEARING VIA VIDEO  
TELECONFERENCE)

ROBERT W. SADOWSKI PLLC

Attorneys for Plaintiff

800 Third Avenue, 28th Floor

New York, New York 10022

BY: ROBERT W. SADOWSKI, ESQ.

MEYER SUOZZI ENGLISH & KLEIN P.C.

Attorneys for Defendants

990 Stewart Avenue

Garden City, New York 11530

BY: PAUL MILLUS, ESQ.

ALSO PRESENT:

AMRO ALI

NEWMAN HOFFMAN

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

4

1 M. Hodge

2 M I C H E L L E H O D G E, called as a  
3 witness, having been duly sworn by a  
4 Notary Public, was examined and  
5 testified as follows:

6 COURT REPORTER: Please state your  
7 name and address for the record.

8 THE WITNESS: Michelle Hodge,  
9 260 West Street, Apartment 2-C, Mount  
10 Kisco, New York 10549.

11 EXAMINATION BY

12 MR. SADOWSKI:

13 Q. Good afternoon, Ms. Hodge. My name  
14 is Robert Sadowski. I represent Dr. Amro Ali  
15 in a litigation against Westchester Medical  
16 Center and New York Medical College.

17 Have you ever been deposed before?

18 A. I have not.

19 Q. Okay. A couple of basic rules, the  
20 most important of which is you must wait  
21 until I finish my question before you speak,  
22 because the court reporter can't take down  
23 two people talking at the same time. Also, I  
24 see you just nodded your head. For the  
25 record, we have to have verbal answers to

1 M. Hodge

2 questions, so shaking your head or nodding or  
3 uh-huh, um-hmm doesn't work. And I'll try to  
4 catch if that happens, but try to remember to  
5 make your responses verbal. Okay?

6 A. Okay.

7 Q. At any time you want to take a  
8 break, just let me know and we'll do that. I  
9 just ask that if there's a question pending,  
10 you answer the question before the break. If  
11 at any time you don't understand my question  
12 or need it rephrased, please let me know, and  
13 I'll be happy to do that.

14 Do you understand the instructions  
15 I've given you?

16 A. Yes.

17 Q. Where are you employed, Ms. Hodge?

18 A. Westchester Medical Center in  
19 Valhalla.

20 Q. And what is your job there?

21 A. I'm the Department of Ophthalmology  
22 coordinator.

23 Q. And who is your supervisor?

24 A. Kelley Hutcheson.

25 Q. And how long have you had that

1 M. Hodge

2 position?

3 A. Two and a half years.

4 Q. And before that were you employed?

5 A. Yes.

6 Q. And where were you employed?

7 A. Antioch Baptist Church in Bedford  
8 Hills.

9 Q. And what was your job there?

10 A. Church secretary.

11 Q. Can you tell me generally your  
12 duties and responsibilities as the  
13 coordinator for the Department of  
14 Ophthalmology?

15 A. Sure. I work directly with  
16 Dr. Hutcheson in an administrative capacity.  
17 I also do marketing for the department and  
18 plan events.

19 Q. What are the administrative duties  
20 and responsibilities that you have?

21 A. Scheduling meetings, scheduling  
22 phone calls, doing expenses.

23 Q. Do you attend any department  
24 meetings?

25 A. I do.

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

7

1 M. Hodge

2 Q. And what role do you have when you  
3 attend a department meeting?

4 A. Most of the time I'm there just as  
5 an attendee to -- as a department liaison.

6 Q. And as a department liaison  
7 attendee, do you take notes?

8 A. Yes.

9 Q. Do you take notes that are  
10 handwritten or typed?

11 A. Handwritten.

12 Q. Handwritten. What do you do, if  
13 anything, with your handwritten notes after  
14 the meeting?

15 A. They're just kept in a notebook.

16 Q. And where is that notebook kept?

17 A. On my desk.

18 Q. Do you know who Dr. Sharma is?

19 A. Yes.

20 Q. How do you know him?

21 A. I've met him several times. I  
22 think he's an instructor at the New York  
23 Medical College.

24 Q. Have you ever attended any meetings  
25 with him?



MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

8

1 M. Hodge

2 A. I think just grand rounds.

3 Q. What do you mean by grand rounds?

4 A. Grand rounds is a monthly lecture  
5 series sponsored by the department.

6 Q. Have you ever had any meetings with  
7 Dr. Sharma, Dr. Hutcheson, Dr. Bierman, and  
8 Dr. Wandel?

9 A. No. Dr. Sharma was -- no.

10 Q. If I told you that Dr. Sharma  
11 testified that you were at a meeting in  
12 June 2018 attended by Dr. Hutcheson,  
13 Dr. Wandel, Dr. Bierman, and Dr. Sharma,  
14 would that at all refresh your recollection?

15 A. I do not recall that meeting.

16 Q. Has anyone requested you to search  
17 your notebooks or computer files for emails,  
18 notes, or memos regarding Dr. Ali?

19 A. Yes.

20 Q. And who made that request to you?

21 A. I don't recall. It was a while  
22 ago.

23 Q. Do you know if you spoke with  
24 Dr. Hutcheson about that request?

25 A. I don't recall whether I spoke to

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

9

1 M. Hodge

2 her about it.

3 Q. Did you retrieve any emails, memos,  
4 notes, that you had in connection with  
5 Dr. Ali?

6 A. Yes.

7 Q. And what did you retrieve?

8 A. Just that, emails, memos, anything  
9 on my computer.

10 Q. Did you also check the notebook  
11 that you kept on your desk?

12 A. Yes.

13 Q. And did you find any meeting notes  
14 in that notebook relating to Dr. Ali?

15 A. No.

16 Q. The notebook that you maintain,  
17 what's the purpose for maintaining the  
18 notebook?

19 A. To remind me of meeting  
20 discussions.

21 Q. Do you share those notes with  
22 anyone?

23 A. No.

24 Q. Has anyone ever asked to see your  
25 book of meeting notes?

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

10

1 M. Hodge

2 A. No.

3 Q. When you say you keep it on your  
4 desk, is it in view to anyone who passes by  
5 your desk?

6 A. No. My office is locked.

7 Q. Okay. I may have asked you this  
8 and I apologize. Has anyone ever asked to  
9 review your notebook?

10 A. No.

11 Q. Have you taken out any notes from  
12 your notebook and done something with them?

13 A. Yes, I have.

14 Q. On what occasion would you have to  
15 do that?

16 A. If I've transcribed the notes and  
17 typed them, then I don't need the handwritten  
18 notes.

19 Q. I see. And when you have an  
20 occasion to transcribe the notes, why would  
21 you transcribe notes?

22 A. For an official record.

23 Q. And who would make the  
24 determination that certain notes should  
25 become an official record?

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

11

1 M. Hodge

2 A. My supervisor.

3 Q. That would be Dr. Hutcheson?

4 A. Yes.

5 Q. Would you transcribe notes for any  
6 other reason other than at Dr. Hutcheson's  
7 request?

8 A. Not -- no.

9 Q. The notes that you transcribe, what  
10 do you do with the notes once they are  
11 transcribed?

12 A. The handwritten notes?

13 Q. Yes.

14 A. They're shredded. They're put in  
15 the shred box.

16 Q. Is that your policy with all notes  
17 that you transcribe?

18 A. Yes.

19 Q. How often are you asked to  
20 transcribe notes?

21 A. Very rarely.

22 Q. I'm going to show you now what has  
23 been -- let me see if I can get it up. Okay.  
24 Can you see what I have marked as Bierman  
25 Exhibit 3? And let me make it a little

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

12

1 M. Hodge

2 larger.

3 Have you seen this document before?

4 A. Yes.

5 Q. And the title is "Meeting Minutes,"  
6 the date, July 20, 2018, the time twelve  
7 noon. And the attendees are listed, and your  
8 name is there as note taker. Did you attend  
9 this meeting as a note taker?

10 A. Yes.

11 Q. And is this your transcription of  
12 the notes you took at that meeting?

13 A. Yes.

14 Q. And is this transcription an  
15 accurate rendition of your notes taken at  
16 that meeting?

17 A. To the best of my knowledge, yes.

18 Q. Do you recall was there anything in  
19 your notes that you did not include in this  
20 transcription, if you remember?

21 A. I don't remember, but I would have  
22 to say no.

23 Q. So is it your understanding that  
24 this is a comprehensive transcription of the  
25 notes you took of the meeting on July 20th,

1 M. Hodge

2 2018?

3 MR. MILLUS: Objection as to form.

4 You may answer.

5 A. Yes.

6 Q. Do you know why Dr. Hutcheson asked  
7 you to transcribe these notes?

8 A. Yes.

9 Q. And why is that?

10 A. To make them an official record.

11 Q. When you say official record, what  
12 does that mean to you?

13 A. She wanted an accurate description  
14 of the meeting discussion.

15 Q. After you transcribed these notes,  
16 did any of the attendees review the notes?

17 A. Yes.

18 Q. I'm sorry. I misspoke. Review the  
19 transcription.

20 A. Yes.

21 Q. Who was that?

22 A. Dr. Hutcheson and I believe  
23 Dr. Wandel.

24 Q. And did they have any comments or  
25 corrections after their review of the

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

14

1 M. Hodge

2 transcription?

3 A. I don't entirely recall.

4 Q. Do you recall ever making any  
5 modifications to your transcription?

6 A. I don't entirely recall. Sorry.

7 Q. Okay. If any of those individuals  
8 you mentioned had reviewed the transcription  
9 and made notes or comments or edited it,  
10 would you have saved those review notes?

11 A. Normally I only save the final to  
12 save space.

13 Q. I see. Do you know as you sit here  
14 today whether you made any revisions in this  
15 transcription after you first transcribed it?

16 A. I honestly can't recall.

17 Q. Okay. In connection with the  
18 request made to you -- well, let me ask you.  
19 What request was made to you to look for any  
20 documents relating to Dr. Ali?

21 A. Can you rephrase that.

22 Q. Sure. That wasn't a pretty  
23 question. Who is it who asked you to look in  
24 your computer and notes for any documents  
25 relating to Dr. Ali?

1 M. Hodge

2 A. I don't remember. It was a long  
3 time ago.

4 Q. You did do a search of your  
5 computer for emails or items relating to  
6 Dr. Ali; correct?

7 A. Yes.

8 Q. And you did review your notebook to  
9 see if there were any notes relating to  
10 Dr. Ali; correct?

11 A. Yes.

12 Q. In your notebook were there any  
13 handwritten notes relating to Dr. Ali?

14 A. No.

15 Q. Does Dr. Hutcheson maintain a copy  
16 of your notes or notebook?

17 A. No.

18 Q. Other than these meeting minutes,  
19 what other documents did you recover from  
20 your computer or notes or files relating to  
21 Dr. Ali?

22 A. Mostly emails. Emails.

23 Q. And to whom did you produce those  
24 emails?

25 A. Is that the same as asking who



1 M. Hodge

2 requested them?

3 Q. No, because one person could  
4 request them and you could have given them to  
5 another person.

6 A. No. I don't recall who I gave them  
7 to.

8 Q. In that process of reviewing your  
9 notes and emails, did Dr. Hutcheson assist  
10 you at all?

11 A. No.

12 Q. Did she give you any direction in  
13 connection with your search for documents  
14 relating to Dr. Ali?

15 A. Only that I should comply.

16 Q. Were those the words she used?

17 A. I don't remember the exact words.

18 Q. Did she ask you or did she tell you  
19 she wanted to review what you found before it  
20 was turned over to anyone?

21 A. No.

22 Q. Do you ever recall being in a  
23 meeting room with -- well, let me ask you  
24 this. Is there a particular conference room  
25 that you use when you have meetings?

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

17

1 M. Hodge

2 A. No.

3 Q. There aren't designated conference  
4 rooms for meetings in your department?

5 A. The department does not have a  
6 designated conference room where -- we have  
7 to reserve a room in the hospital.

8 Q. I see. And is it your job to make  
9 those meeting room reservations?

10 A. Normally, yes.

11 Q. Do you keep a record of the meeting  
12 room reservations that you make?

13 A. It would be in my calendar, my  
14 email.

15 MR. SADOWSKI: I'm going to ask the  
16 witness to produce her calendar for  
17 June 2018, and particularly I'm looking  
18 for the dates on or around June 22nd,  
19 2018.

20 Q. Do you have that calendar in a hard  
21 copy, or is it on your computer?

22 A. It's on my computer.

23 Q. Are you able to pull that up for  
24 the period June 2018?

25 A. I can try. I can't do it now.

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

18

1 M. Hodge

2 Q. Okay. Understood.

3 MR. SADOWSKI: If you could do that  
4 and produce it to Mr. Millus for his  
5 review.

6 THE WITNESS: Yes.

7 Q. To whom do you make a request for a  
8 meeting room reservation?

9 A. It's all electronic.

10 Q. So there's no person who is  
11 responsible for responding to a request for a  
12 meeting room reservation?

13 A. Not one single person, no. It  
14 depends on whose department has the room.

15 Q. I see. How long in advance do you  
16 have to request a conference room?

17 A. There's no set time.

18 Q. When you set up a meeting, do you  
19 send an email to the potential attendees of  
20 the meeting?

21 A. Yes.

22 Q. So if there was going to be a  
23 meeting with Drs. Bierman, Wandel, Hutcheson,  
24 and Sharma, would you send an email to each  
25 of them stating the date, time, and place of

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

19

1 M. Hodge

2 the meeting?

3 A. Yes.

4 MR. SADOWSKI: I'm going to ask you  
5 to search for any emails reserving a  
6 conference room on or around June 22nd,  
7 2018, and the emails to the attendees  
8 for that meeting, and in particular if  
9 it's to Drs. Sharma, Bierman, Hutcheson  
10 and Wandel.

11 MR. MILLUS: That's fine. I'll ask  
12 the witness to do so and correspond with  
13 me and convey her findings.

14 Q. Do you recall the meeting on  
15 July 20th, 2018?

16 A. Yes.

17 Q. What do you recall about the  
18 meeting?

19 A. Just that it happened.

20 Q. Can you describe for me how the  
21 meeting ended?

22 A. I don't recall how the meeting  
23 ended.

24 Q. Was there anything remarkable about  
25 the ending of the meeting that sticks out in

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
20

1 M. Hodge

2 your mind?

3 MR. MILLUS: Objection to the form.

4 A. Remarkable how?

5 Q. Well, remarkable that you would  
6 remember or think it should be included in  
7 the notes?

8 A. I don't recall for sure.

9 Q. Do you remember the order of the  
10 individuals as they left the meeting?

11 A. I do not.

12 Q. Do you recall speaking with Dr. Ali  
13 at the end of the meeting?

14 A. Not for certain.

15 Q. You don't recall shaking his hand?

16 A. I don't recall for certain.

17 Q. Did Dr. Ali at any time during the  
18 meeting raise his voice?

19 A. Not that I can recall.

20 Q. Have you ever known Dr. Ali to  
21 raise his voice?

22 A. I don't know Dr. Ali personally.

23 Q. How often have you interacted with  
24 Dr. Ali?

25 A. Via email and this meeting.

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
21

1 M. Hodge

2 Q. Did you have an understanding of  
3 what Dr. Ali's position at New York Medical  
4 College was?

5 A. No.

6 Q. Did you and Dr. Hutcheson ever  
7 discuss Dr. Ali?

8 A. Not that I can recall.

9 MR. SADOWSKI: All right. Let me  
10 take a five-minute break, and then I  
11 should be able to wrap up.

12 MR. MILLUS: Very well. Thank you.

13 (Recess taken from 1:34 p.m. to  
14 1:42 p.m.)

15 MR. SADOWSKI: Ms. Hodge, I was  
16 asking you about conference room  
17 reservations and emails to attendees for  
18 the period of June. I would like to  
19 expand that to include July, the month  
20 of July 2018, too.

21 THE WITNESS: Okay.

22 MR. SADOWSKI: Thank you.

23 MR. MILLUS: That's fine.

24 Q. Do you know an ophthalmology  
25 resident from Qatar? And I will not

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
22

1 M. Hodge

2 pronounce his last name correctly. His name  
3 is Samir Al Sweiki?

4 A. Yes.

5 Q. In your office as the  
6 administrator, do you keep records relating  
7 to the residents?

8 A. No.

9 Q. Where are records relating to the  
10 residents kept?

11 A. With the --

12 MR. MILLUS: Let me just object as  
13 to form. When you say records, is there  
14 a way that you can define that a little  
15 bit better, Rob, just so I can  
16 understand it?

17 MR. SADOWSKI: Sure.

18 Q. What I'm asking specifically is if  
19 the ophthalmology department keeps records of  
20 the progress of residents such as the  
21 requirement to pass the licensing exam Step 3  
22 during the residency?

23 A. That's not part of my job.

24 Q. Who in the department keeps track  
25 of that requirement, if you know?

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
23

1 M. Hodge

2 A. The residency program coordinator.

3 Q. And who is that?

4 A. Donna Hemmings.

5 Q. Do you have any information at all  
6 as to whether Dr. Al Sweiki has passed Step 3  
7 of his licensing exam?

8 A. I do not.

9 Q. So to establish that information, I  
10 would have to ask Donna Hemmings?

11 A. Yes.

12 MR. SADOWSKI: Okay. Thank you. I  
13 have no other questions.

14 MR. MILLUS: I have no questions.

15 (Time noted: 1:45 p.m.)  
16  
17  
18

19 \_\_\_\_\_  
20 MICHELLE HODGE  
21

22 Subscribed and sworn to before me  
23 this \_\_\_\_ day of \_\_\_\_\_, 2020.  
24  
25 \_\_\_\_\_



MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

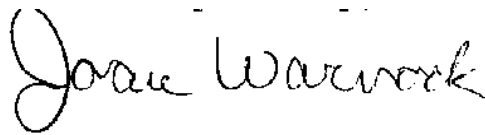
COUNTY OF WESTCHESTER )

I, JOAN WARNOCK, a Notary Public  
within and for the State of New York, do  
hereby certify:

That MICHELLE HODGE, the witness  
whose deposition is hereinbefore set  
forth, was duly sworn by me and that  
such deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of October,  
2020.



JOAN WARNOCK

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
M. Hodge	Mr. Sadowski	4

----- INFORMATION REQUESTS -----

DIRECTIONS:

RULINGS:

TO BE FURNISHED:

REQUESTS: 17:15, 19:4, 21:15

MOTIONS:

----- EXHIBITS -----

(None)

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
26

DEPOSITION ERRATA SHEET

Our Assignment No.: J6089253B

Case Caption: Amro Ali, M.D. v. Westchester  
Medical Center

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of my  
Deposition taken in the captioned matter or  
the same has been read to me, and the same is  
true and accurate, save and except for  
changes and/or corrections, if any, as  
indicated by me on the DEPOSITION ERRATA  
SHEET hereof, with the understanding that I  
offer these changes as if still under oath.

\_\_\_\_\_  
Michelle Hodge

Subscribed and sworn to on the \_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_ before me.

\_\_\_\_\_  
Notary Public,  
in and for the State of

\_\_\_\_\_.

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
27

DEPOSITION ERRATA SHEET

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Michelle Hodge

MICHELLE HODGE  
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020  
28

DEPOSITION ERRATA SHEET

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Michelle Hodge